



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305542-19

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<b>Development</b>	Permission for retention for house extension.
<b>Location</b>	8 Greystones, Mount Merrion, Blackrock, Co. Dublin
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D19B/0339
<b>Applicant(s)</b>	Gabriel Maguire
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	John O'Driscoll
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	28 <sup>th</sup> November 2019
<b>Inspector</b>	Mary Crowley

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## 1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.089 sqm is located on Greygates, a cul de sac that runs parallel to Stillorgan Road (R138) in the Dublin suburb of Blackrock. The site comprises an existing semi-detached two storey pitched roof house with a single storey flat roofed extension to the rear. The existing dwelling has a large front and rear garden with ample off-street car parking to the front. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

## 2.0 Proposed Development

2.1. Permission is sought for the retention of a single storey extension to the rear of the existing dwelling (148 sqm) amounting to 46sqm together with associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. DLRCC issued a notification of decision to grant permission subject to 10 no generally standard conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The **Case Planner** recommended that permission be granted subject to conditions. The notification of decision to grant permission issued by DLRCC reflects this.

#### 3.2.2. Other Technical Reports

- **Transport** – No objection
- **Drainage Planning** – No objection subject to conditions in relation to surface water and hardstanding.

### 3.3. **Prescribed Bodies**

3.3.1. There are no reports recorded on the appeal file.

### 3.4. **Third Party Observations**

3.4.1. There is on observation recorded on the planning file from John O'Driscoll (adjoining property to the north). The issues raised relate to proximity of the extension to the existing boundary, height, loss of daylight, blank wall, inaccurate drawings, rain water outlets and associated downpipes to be located on the opposite side of the development, ownership of the house, extension appears as a standalone house to the rear and if permitted scheme should be modified,

## 4.0 **Planning History**

4.1.1. There is no evidence of any previous planning application or subsequent appeal on this site.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

5.1.1. The operative Development Plan is the **Dun Laoghaire Rathdown County Development Plan 2016-2022**. The site is zoned **Objective A** where the objective is *to protect and/or improve residential amenity*.

### 5.2. **Natural Heritage Designations**

5.2.1. The site is not located within a designated Natura 2000 site.

### 5.3. **EIA Screening**

5.3.1. I note the DLRCC EIAR Pre-Screening Report on file. Having regard to the nature and scale of the proposed development comprising the retention of a domestic house extension in an established urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The

need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The third party appeal has been prepared and submitted by the appellant John O'Driscoll, 7 Greygates, Mount Merrion (adjoining property to the north) and may be summarised as follows:

- Procedure, notification and access to the planning file
- Location of water out flow pipe / roof outlet
- Distance to boundary
- Connection to the main house raised concerns this may be a separate unit
- Design, height, depth, bulk, mass and blank wall
- Accuracy of plans / internal area submitted
- Future use of rear garden shed and the further reduction in open space

### **6.2. Applicant Response**

6.2.1. The first party response to the appeal has been prepared and submitted by Simon Clear & Associates on behalf of the applicant and may be summarised as follows:

- The applicant embarked on a legitimate extension of this dwelling house under the provisions of the exempted development regulations and wishes to assert that, notwithstanding the submission of this application for retention, the development is considered to be exempted development (Keeling Vs FCC case).
- The original return was demolished, and a modern extension was constructed in its place. It is submitted that the applicant was entitled to the consideration of exempted development.
- The correct measurement of the floor area of the extension equates to 46sqm. Taken in conjunction with the reduction in the original floor area, the extension

adds less than 40sqm to the house to the rear. Part of the extension is within the footprint of the original return.

- Reference to the floor plan will indicate that the proposed extension is modest in relation to the main house and the garden area. It is single storey and set back from the neighbouring boundary, which is occupied by an extension in the appellants garden, abutting the boundary.
- The extension does not exceed the ridge height of the neighbouring conservatory and is not a dominant feature. It would be unlikely to have an unreasonable impact upon the residential amenity of the appellants property.
- The appellants grounds of appeal range over a number of issues that do not relate to the application to the planning authority, or to the decision of the planning authority per se, which is what the appeal must relate to. The grounds of appeal do not include any allegations of impact.
- It is requested that permission be granted for retention of this extension, with the attachment of appropriate conditions.

### **6.3. Planning Authority Response**

- 6.3.1. DLRCC submit that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

### **6.4. Observations**

- 6.4.1. No observations recorded on the appeal file.

### **6.5. Further Responses**

- 6.5.1. No further responses recorded on the appeal file.

## **7.0 Assessment**

- 7.1. I note the concerns raised in the appeal with regard to procedure, notification and access to the planning file. However I do not consider this to be a matter for An Bord

Pleanála. I would point out for the purpose of clarity that the current development before the Board is considered “de novo”. That is to say that the Board considers the proposal having regard to the same planning matters to which a planning authority is required to have regard when making a decision on a planning application in the first instance and this includes consideration of all submissions and inter departmental reports on file together with the relevant development plan and statutory guidelines, any revised details accompanying appeal submissions and any relevant planning history relating to the application.

7.2. With regard to the concerns raised regarding the accuracy of plans submitted I have considered the information available on file and I am satisfied that together with my site inspection that there is adequate information available to consider the appeal.

7.3. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Scale & Design
- Other Issues

#### 7.4. **Principle**

7.4.1. Under the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 the site is wholly contained within an area zoned Objective A where the objective is *to protect and/or improve residential amenity* and where residential extensions and alterations to an existing dwelling for residential purposes is considered a permissible use. I am satisfied that the principle of the development is acceptable at this location subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

#### 7.5. **Scale & Design**

7.5.1. With regard to the visual impact of the proposed works I am generally satisfied that the scale and design of the rear extension does not overwhelm or dominate the

original form or appearance of the parent building and that the use of materials are compatible with the original house and surrounding area. I am also satisfied that the rear extension respects the amenity of the neighbouring properties in that it will not result in any unreasonable loss of privacy by means of overlooking or any significant undue overshadowing or loss of sunlight that would warrant refusal in this case. Overall, I do not consider that the proposed works will have a significant negative impact on the adjoining house, established character or visual amenities of the area. Accordingly, the design and scale of the proposed scheme is acceptable at this location.

7.5.2. I note the proximity of the extension to the shared boundary with the appellant to the north together with the location of the water outflow pipe. Site photos refer. All works have been carried out within the applicants land holding and are set back from the shared side site boundaries on both sides. It is recommended that should the Board be minded to grant permission that a condition be attached requiring that the water out flow pipe on the northern elevation be completed with a down pipe to the satisfaction of the Planning Authority.

7.5.3. With regard to the concerns raised that this extension may be used as a separate unit it was noted on day of site inspection that the internal layout and use aligns with the plans and particulars submitted on file i.e. that of a open plan kitchen / living / dining area; a popular type of urban extension and use. There was nothing to suggest that the extension as built was being used as a separate residential unit. Similarly to the “garden shed” at the end of the applicants garden any future change of use may be subject to the rigours of the planning process.

## 7.6. Other Issues

7.6.1. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development comprising a rear residential extension and its distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.6.2. **Development Contributions** – Dun-laoghaire Rathdown County Council has adopted a Development Contribution Scheme under Section 48 of the Planning and

Development Act 2000 (as amended) and is in place since 14th December 2015. I refer to the Retention Permissions Section where it states that *all retention permissions will be charged a multiple of 1.25 times the rates outlined in the Schedules*. It is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

## 8.0 Recommendation

8.1. It is recommended that permission be **granted** subject to conditions for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and its zoning for residential purposes, to the location of the site in an established residential area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development not seriously injure the residential or visual amenities of the area and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.
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	<b>Reason:</b> In the interest of clarity
2.	<p>(a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>(b) The water out flow pipe on the northern elevation shall be completed with a down pipe to the satisfaction of the Planning Authority.</p> <p><b>Reason:</b> In the interest of public health</p>
3.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p><b>Reason:</b> In the interest of visual amenity</p>
4.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission</p>

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**Mary Crowley**

**Senior Planning Inspector**

**31<sup>st</sup> January 2020**